

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**JOE D. SMITH, individually and d/b/a/ SMITH)
AND SONS LANDSCAPING,)**

Plaintiff,)

v.)

**FAMILY ENTERTAINMENT SERVICES,)
INC., and JACKSON COUNTY HOLDINGS,)
INC.,)**

Defendants.)

No. 3:13-cv-00004

Judge Nixon

Magistrate Judge Bryant

JURY DEMAND

ORDER


Pending before the Court is Plaintiff Joe D. Smith d/b/a Smith and Sons Landscaping's Motion, in which he requests the Court continue the trial in this matter and order mediation. (Doc. No. 29.) As grounds for the request, Plaintiff states that since removing the case from the Court's trial calendar, counsel for Defendants Family Entertainment Services, Inc., and Jackson County Holdings, Inc., has not responded to Plaintiff's attempts to schedule mediation. (*Id.*) Defendants filed a Response to Plaintiff's Motion, stating that counsel for Defendants, Jay Slobey, has experienced severe heart issues in the past month that have caused multiple hospitalizations, which have prevented Mr. Slobey from contacting counsel for Plaintiff and scheduling mediation in this matter. (Doc. No. 31.) Co-counsel for Defendants, Charles F. Merz, states that he "will assume responsibly [sic] for participating in the selection of a mediator and will advise the Court of schedule Mediation [sic]." (*Id.*)

Based on the representations of Defendants, the Court believes additional time is warranted to allow counsel to schedule the mediation. Accordingly, Plaintiff's Motion is

DENIED. The Court **DIRECTS** the parties to file a mediation schedule within 30 days of the entry of this Order. Should the parties fail to do so, the Court will reset trial in this matter upon motion of one of the parties.

It is so ORDERED. 

Entered this the 17 day of August, 2014.



JOHN T. NIXON, SENIOR JUDGE
UNITED STATES DISTRICT COURT